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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,573	04/10/2001	Ryuichiro Hisamatsu	450100-03152	7755
20999	7590	10/15/2003	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			ELISCA, PIERRE E	
			ART UNIT	PAPER NUMBER

3621

DATE MAILED: 10/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/829,573

Applicant(s)
Ryuichiro, Hisamatsu et al.

Examiner
Pierre E. Elisca

Art Unit
3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/10/2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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Examiner Pierre Eddy Elisca
United States Department of Commerce
Patent and Trademark Office
Washington, D.C. 20231

DETAILED ACTION

1. This Office action is in response to Application No. 09/829,573, filed on 04/10/2001.
2. Claims 1-22 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pargee, Jr. (U.S. Pat. No. 4,422,093) in view of Stern (U.S. Pat. No. 6,591,247).

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As per claims 1, 3-6, 8, and 10-22, Pargee substantially discloses a virtual service that employs the full facilities of a satellite television communication channel, comprising the steps of:

obtaining information about earnings and expenses based on expenses incurred by content providers (content providers or satellite television broadcasting, cable television) supplying users with recording devices compatible with contents offered by the providers (see., abstract, col 3, lines 15-30, col 6, lines 18-38). Pargee fails to explicitly discloses advertisements and fees included in the contents. However, Stern discloses an advertising and payment method/system to disseminate information concerning multiple products. The advertisements information is associated with various products or contents (see., abstract, col 1, lines 37-67, col 3, lines 12-32, col 4, lines 46-67, it is obvious to recognize that satellite or cable broadcastings provide earnings for service provide to consumers). Therefore, it would have bee obvious to a person of ordinary skill in the art at the time the invention was made to modify the television burst service of Pargee by including the limitations detailed above as taught by Stern because this would advertise consumers in the television industry while ensuring that consumers is ready to perceive the message content of the advertisement.

As per claims 2, and 9, Pargee discloses the claimed method wherein said services constitute electronic commerce practiced by virtual shops (see., abstract, specifically wherein it is stated that a virtual service that employs the full facilities of a television communication channel on an intermittent basis, col 3, lines 3, lines 19-67).

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As per claim 7, Pargee discloses the claim method wherein said recording devices each include a hard disc drive (fig 4, col 7, lines 17-50).

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1, 13, and 19 are rejected under 35 U.S.C. 101 because it is directed to non-statutory subject matter, specifically, as directed to an abstract idea.

Claims 1, 13, and 19 represent an abstract idea that does not provide a practical application in the technological arts. There is no computer performing any step, therefore, Applicant is advised to embed a computer or processor or module into claims 1, 13, and 19 in order to overcome this 101 rejection. Appropriate correction is required.

Conclusion

7. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

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Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

(703) 305-7687



Pierre Eddy Elisca

Patent Examiner

October 07, 2003